

## Head 90 — LABOUR DEPARTMENT

**Controlling officer:** the Commissioner for Labour will account for expenditure under this Head.

Estimate 2015–16 .....	<b>\$1,918.0m</b>
Establishment ceiling 2015–16 (notional annual mid-point salary value) representing an estimated 2 301 non-directorate posts as at 31 March 2015 rising by 75 posts to 2 376 posts as at 31 March 2016 .....	<b>\$1,071.4m</b>
In addition, there will be an estimated 16 directorate posts as at 31 March 2015 and as at 31 March 2016.	
Commitment balance .....	<b>\$3,938.4m</b>

### Controlling Officer's Report

#### Programmes

**Programme (1) Labour Relations**  
**Programme (2) Employment Services**  
**Programme (3) Safety and Health at Work**  
**Programme (4) Employees' Rights and Benefits**

These programmes contribute to Policy Area 8: Employment and Labour (Secretary for Labour and Welfare).

#### Detail

##### Programme (1): Labour Relations

	2013–14 (Actual)	2014–15 (Original)	2014–15 (Revised)	<b>2015–16 (Estimate)</b>
Financial provision (\$m)	134.3	155.5	149.4 (–3.9%)	<b>157.9</b> (+5.7%)
				(or +1.5% on 2014–15 Original)

#### Aim

2 The aim is to maintain and foster harmonious employer-employee relations in establishments outside the government sector.

#### Brief Description

3 The Department provides voluntary conciliation service to assist employers and employees to resolve disputes and claims. It promotes understanding of labour laws and encourages good people management practices.

4 In 2014, a series of seminars on employer-employee communication and dialogue were staged for over 300 human resources managers and corporate executives to encourage effective communication between employers, employees and trade unions. Promotional activities were organised in collaboration with industry-based Tripartite Committees to encourage wider adoption of family-friendly employment practices. In addition, seminars and roving exhibitions with new exhibits were conducted territory-wide to raise public awareness of labour laws and good people management practices.

5 The Department is responsible for the adjudication of minor employment claims and administration of trade unions.

6 The key performance measures in respect of labour relations are:

#### Targets

	Target	2013 (Actual)	2014 (Actual)	<b>2015 (Plan)</b>
waiting time for consultation meetings .....	within 30 mins.	within 30 mins.	within 30 mins.	<b>within 30 mins.</b>
waiting time for conciliation meetings for claims .....	within 5 weeks	within 5 weeks	within 5 weeks	<b>within 5 weeks</b>

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	Target	2013 (Actual)	2014 (Actual)	2015 (Plan)
waiting time for claims to be adjudicated after filing with the Minor Employment Claims Adjudication Board (MECAB) ...	within 5 weeks	within 5 weeks	within 5 weeks	<b>within 5 weeks</b>
processing registration of new trade unions.....	within 4 weeks	within 4 weeks	within 4 weeks	<b>within 4 weeks</b>
processing registration of changes of union names/rules .....	within 10 days	within 10 days	within 10 days	<b>within 10 days</b>
inspections to trade unions .....	360	381	376	<b>370</b>

### Indicators

	2013 (Actual)	2014 (Actual)	2015 (Estimate)
consultation meetings held.....	66 928	64 083	<b>64 000</b>
labour disputes and claims handled.....	17 585	15 832	<b>16 000</b>
labour disputes and claims with conciliation service rendered <sup>^</sup> .....	17 025	15 241	<b>15 000</b>
labour disputes and claims resolved through conciliation .....	12 657	11 182	<b>11 000</b>
labour disputes and claims resolved through conciliation (%) .....	74.3	73.4	<b>73.3</b>
working days lost from labour disputes known .....	13 437 <sup>Ψ</sup>	138	<b>138</b>
claims adjudicated by MECAB.....	1 523	1 160	<b>1 200</b>
cases of registration of new trade unions and changes of union names/rules .....	113	126	<b>130</b>

<sup>^</sup> Excluding labour disputes and claims for which conciliation service is not rendered because the employers concerned are insolvent or cannot be reached.

<sup>Ψ</sup> The particularly high number of working days lost in 2013 was attributed to a protracted industrial action that happened from March to May 2013. As the incident was an isolated case, the actual figure of 2014 is used for estimating the number for 2015.

### Matters Requiring Special Attention in 2015–16

7 Major new plans for 2015–16 include:

- publicising the newly-enacted legislation on paternity leave and monitoring its implementation,
- pursuing a proposal to amend the reinstatement and re-engagement provisions under the Employment Ordinance (Cap. 57), and
- promoting elderly-friendly work environment to encourage elderly employment.

### Programme (2): Employment Services

	2013–14 (Actual)	2014–15 (Original)	2014–15 (Revised)	2015–16 (Estimate)
Financial provision (\$m)	782.9	998.2	861.5 (–13.7%)	<b>954.9</b> (+10.8%)
				(or –4.3% on 2014–15 Original)

### Aim

8 The aim is to provide a comprehensive range of free employment assistance and recruitment services to help job seekers find suitable jobs and employers find recruits.

### Brief Description

9 The Department provides free employment service to all job seekers. It provides assistance and counselling services to the unemployed and persons with disabilities; career guidance, pre-employment and on-the-job training to young people; and labour market information to all job seekers, including new arrivals and ethnic minorities.

10 The Department is also responsible for processing applications under the Supplementary Labour Scheme (SLS) and ensuring priority of employment for local workers in filling SLS vacancies.

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11 Moreover, the Department is responsible for establishing Working Holiday Schemes with overseas economies and their promotion so that more of our young people can broaden their horizons through living and temporarily working overseas.

12 The Work Incentive Transport Subsidy (WITS) Scheme seeks to help relieve the burden of work-related travelling expenses on low-income earners so as to promote sustained employment. The Scheme has since 2013 provided the option of individual-based applications in addition to household-based applications. As at the end of 2014, there were 227 876 applications (of which 75 239 were individual-based), and the funds disbursed totalled \$861 million.

13 The key performance measures in respect of employment services are:

### *Targets*

	Target	2013 (Actual)	2014 (Actual)	2015 (Plan)
displaying vacancy information upon receipt of request from employers .....	90% of vacancies displayed within 5 working days	93% of vacancies displayed within 5 working days	93% of vacancies displayed within 5 working days	<b>90% of vacancies displayed within 5 working days</b>
arranging job referral upon receipt of request from job seekers .....	within 30 mins. of appointment time	within 30 mins. of appointment time	within 30 mins. of appointment time	<b>within 30 mins. of appointment time</b>
issuing employment agency licences .....	within 2 weeks	within 2 weeks	within 2 weeks	<b>within 2 weeks</b>
inspections to employment agencies .....	1 800	1 341	1 806	<b>1 800</b>

### *Indicators*

	2013 (Actual)	2014 (Actual)	2015 (Estimate)
able-bodied job seekers persons registered.....	82 748	75 314	<b>75 000</b>
placements.....	156 727	151 536	<b>151 000</b>
job seekers with disabilities persons registered.....	2 605	2 650	<b>2 650</b>
placements.....	2 461	2 464	<b>2 450</b>
young people enrolled in the Youth Employment and Training Programme (YETP) <sup>Ω</sup> .....	8 095	7 753	<b>8 000</b>
young people receiving employment and self-employment advisory and support services provided by the Youth Employment Resource Centres .....	74 850	74 288	<b>72 000</b>
employment agency licences issued.....	2 718	2 843	<b>2 700</b>
applications under the SLS processed.....	1 114	1 166	<b>1 200</b>

Ω The YETP operates on a programme year basis, running from September each year to August of the following year. The number of trainees enrolled in 2013 and 2014 referred to the number of trainees enrolled in the 2012/13 programme year and the 2013/14 programme year respectively.

### *Matters Requiring Special Attention in 2015–16*

14 Major new plans for 2015–16 include:

- enhancing the post-placement support services for job seekers with disabilities by extending the follow-up period from three to six months;
- establishing a construction industry recruitment centre to facilitate employers to find local construction workers and provide the latter with career counselling services, conduct on the spot job interviews and job fairs; and
- following up on the comprehensive review of the WITS Scheme.

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### Programme (3): Safety and Health at Work

	2013–14 (Actual)	2014–15 (Original)	2014–15 (Revised)	<b>2015–16 (Estimate)</b>
Financial provision (\$m)	418.1	428.6	436.3 (+1.8%)	<b>453.1</b> (+3.9%)
				(or +5.7% on 2014–15 Original)

#### *Aim*

15 The aim is to ensure that risks to the safety and health of people at work are properly managed by legislation, enforcement, education and publicity efforts.

#### *Brief Description*

16 This programme covers the enforcement of the Occupational Safety and Health Ordinance (Cap. 509) (OSHO), the Factories and Industrial Undertakings Ordinance (Cap. 59) (FIUO) and the Boilers and Pressure Vessels Ordinance (Cap. 56) (BPVO). The work undertaken includes the provision of training courses, organising of seminars and rendering advice to stakeholders on the prevention of accidents, work hazards, and publication of guide books and other publicity materials. In addition, promotional visits are conducted to encourage employers to take ownership in managing risks at the workplace. Statutory suspension notices are issued to remove imminent risks to the safety and health of those at work; improvement notices are issued to secure speedy rectification of irregularities to prevent accidents; and prosecution is taken out to serve as a stern reminder to those who disregard the law and to deter others from committing similar offence.

17 The Department strengthens enforcement against industries or establishments with poor performance records. In addition to regular surprise inspections, enforcement campaigns targeted at specific risks or accident-prone work situations are launched. In 2014, enforcement campaigns were conducted in several areas, including construction works (with emphasis on work-at-height, lifting operations, electrical works, falsework and tunnelling works); renovation, maintenance, alteration and addition (RMAA) works; logistics, cargo and container handling works; and waste treatment works, etc.

18 In 2014, two large-scale promotional programmes were launched to promote safety awareness in the catering and construction industries. Large-scale promotion and publicity campaigns were also organised to raise the safety awareness of work-at-height, electrical works and RMAA works.

19 In 2014, publicity and enforcement targeting outdoor workplaces with a higher risk of heat stroke continued. Besides, in collaboration with the Occupational Safety and Health Council and relevant trade unions, occupational safety and health messages were promoted among professional drivers and workers in the retail, catering and cleansing industries.

20 The key performance measures in respect of safety and health at work are:

#### *Targets*

	Target	2013 (Actual)	2014 (Actual)	<b>2015 (Plan)</b>
inspections under the FIUO and the OSHO .....	114 700Φ	123 115	124 907	<b>114 700</b>
inspections per field inspector under the FIUO and the OSHO .....	450	500	505	<b>450</b>
investigation of occupational diseases .....	within 24 hours upon notification	within 24 hours upon notification	within 24 hours upon notification	<b>within 24 hours upon notification</b>
promotional visits to workplaces under the FIUO and the OSHO .....	4 860Φ	5 901	5 837	<b>4 860</b>
inspections under the BPVO .....	4 630	4 761	4 762	<b>4 630</b>
inspections per field inspector under the BPVO.....	1 030	1 058	1 058	<b>1 030</b>
processing registration of pressure equipment .....	within 3 weeks	within 3 weeks	within 3 weeks	<b>within 3 weeks</b>
organising talks, lectures and seminars .....	2 040◇	1 944	2 047	<b>2 040</b>

Φ The targets for inspections and promotional visits to workplaces under the FIUO and the OSHO are revised upwards from 113 400 and 4 800 respectively as from 2015 to reflect the increase in manpower.

◇ The target number of talks, lectures and seminars is slightly reduced from 2 050 as from 2015 as certain talks and lectures of similar topics will be consolidated to ensure effective use of resources.

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### Indicators

	2013 (Actual)	2014 (Actual)	2015 (Estimate)
fatal accidents in industrial undertakings.....	28	25δ	N.A.
non-fatal accidents in industrial undertakings.....	11 792	10 653δ	N.A.
accident rate per 1 000 industrial employees.....	19.6	17.5δ	N.A.
fatal accidents in non-industrial undertakingsΔ.....	160	167δ	N.A.
non-fatal accidents in non-industrial undertakings.....	26 047	23 669δ	N.A.
accident rate per 1 000 employees in non-industrial undertakings.....	11.5	10.3δ	N.A.
investigation of accidents at workplaces.....	13 266	14 758	15 000
warnings issued by occupational safety officers.....	30 496	30 961	31 000
prosecutions taken.....	2 604	2 709	2 700
suspension/improvement notices issued.....	2 526	3 011	3 000
investigations/surveys/examinations/assessments/clinical consultations on occupational health conducted.....	25 286	22 164	22 000
pressure equipment registered.....	1 892	1 925	1 900
examinations conducted and exemptions granted for the issue or endorsement of certificates of competency.....	424	421	420
warnings issued under the BPVO.....	3 723	3 197	3 200

δ These are provisional accident statistics as some of the accidents which occurred towards the end of the year have yet to be verified. The figures are subject to adjustments pending data analysis and accident investigations.

Δ These include cases where medical and other evidence suggest to be unrelated to work.

### Matters Requiring Special Attention in 2015–16

21 Major new plans for 2015–16 include:

- intensifying systematic preventive and enforcement efforts to tackle fall-from-height hazards and other work hazards in the construction sector, including major works projects and RMAA works, and in conjunction with Marine Department on construction safety at sea; and
- launching safety enhancement initiatives and large-scale promotional programmes to raise the standard and awareness of stakeholders in the construction and catering industries on occupational safety and health.

### Programme (4): Employees' Rights and Benefits

	2013–14 (Actual)	2014–15 (Original)	2014–15 (Revised)	2015–16 (Estimate)
Financial provision (\$m)	306.0	330.1	332.8 (+0.8%)	352.1 (+5.8%)
				(or +6.7% on 2014–15 Original)

### Aim

22 The aim is to safeguard the rights and benefits of employees under labour laws.

### Brief Description

23 The Department safeguards the rights and benefits of all employees and combats illegal employment through inspections to workplaces and other premises, processing employees' compensation claims, administering the Protection of Wages on Insolvency Fund (PWIF), and investigating complaints relating to the employment of imported workers.

24 The Department takes rigorous enforcement action against wage offences, including breaches of the Statutory Minimum Wage (SMW) provisions and wilful defaults of Labour Tribunal or MECAB awards, through speedy investigation into reported offences, conducting trade-targeted campaigns to detect offences, strengthening intelligence gathering and evidence collection, and taking out prompt prosecution.

25 The Department has organised territory-wide publicity activities to assist employers and employees in understanding their respective obligations and entitlements under the SMW system.

26 Targeted operations are mounted with the Police and the Immigration Department to combat illegal employment for protecting the job opportunities of local workers. The Department also launches publicity programmes to enhance public awareness of the serious consequences of employing illegal workers.

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27 The Standard Working Hours (SWH) Committee was set up in April 2013 with members drawn from the business and labour sectors, academia, community and government. The Committee was appointed for a term of three years to follow up on the Government's Policy Study on SWH, and engage the public in informed and in-depth discussions on working hours issues.

28 The Department has continued its promotional efforts in enhancing the understanding of employers and foreign domestic helpers (FDHs) on their statutory and contractual rights and obligations. Seven information kiosks were set up at the popular gathering places of FDHs to screen a publicity video on the employment of FDHs and distribute information packs. The publicity video was also screened at public venues to reach more FDHs and their employers. In addition, new television and radio Announcements in the Public Interest were produced and broadcast to raise awareness of FDHs and their employers on their rights and obligations. Besides, in order to familiarise FDHs with their rights and duties, we have placed advertisements in local Filipino and Indonesian newspapers, and produced other publicity materials for distribution. The Department has also stepped up collaboration with respective Consul-Generals to exchange information and attend the briefings that they organise for FDHs, particularly the new arrivals in Hong Kong to educate them on their employment rights and channels for reporting complaints/abuses.

29 To promote equal employment opportunities, the Department keeps up its publicity efforts in enhancing public awareness of the importance of eliminating age discrimination in employment.

30 The key performance measures in respect of employees' rights and benefits are:

### *Targets*

	Target	2013 (Actual)	2014 (Actual)	2015 (Plan)
inspections to workplaces .....	130 000	151 912	146 991	<b>147 000</b>
inspections per field labour inspector .....	780	778	780	<b>780</b>
starting investigation of complaints by labour inspector .....	within 1 week upon receipt	within 1 week upon receipt	within 1 week upon receipt	<b>within 1 week upon receipt</b>
waiting time for sick leave clearance for injured employees .....	within 30 mins. of appointment time	within 30 mins. of appointment time	within 30 mins. of appointment time	<b>within 30 mins. of appointment time</b>
issuing certificates of compensation assessment .....	within 3 weeks	within 3 weeks	within 3 weeks	<b>within 3 weeks</b>
effecting payment in respect of applications to the PWIF .....	within 10 weeks	within 10 weeks	within 10 weeks	<b>within 10 weeks</b>

### *Indicators*

	2013 (Actual)	2014 (Actual)	2015 (Estimate)
warnings issued .....	495	477	<b>480</b>
prosecutions taken .....	2 075	1 663	<b>1 700</b>
sick leave clearance interviews for injured employees conducted .....	42 051	43 494	<b>43 000</b>
employees' compensation claims processed .....	55 168	53 917	<b>54 000</b>
applications for payment under the PWIF processed .....	2 150	2 544	<b>2 500</b>
cases related to imported workers under the SLS investigated# .....	56	60	<b>60</b>

# Revised description of the previous indicator "cases related to imported workers investigated" as from 2015.

*Matters Requiring Special Attention in 2015–16*

**31** Major new plans for 2015–16 include:

- preparing for the implementation of a new SMW rate subject to approval by the Legislative Council, and undertaking targeted enforcement action to check employers' compliance with the new SMW rate;
- supporting the SWH Committee's work in deepening public discussions and building consensus on working hours policy options suiting the circumstances of Hong Kong; and
- drawing up a code of practice to tighten control on local employment agencies engaged in the hiring of FDHs.

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### ANALYSIS OF FINANCIAL PROVISION

	2013–14 (Actual) (\$m)	2014–15 (Original) (\$m)	2014–15 (Revised) (\$m)	2015–16 (Estimate) (\$m)
<b>Programme</b>				
(1) Labour Relations .....	134.3	155.5	149.4	<b>157.9</b>
(2) Employment Services.....	782.9	998.2	861.5	<b>954.9</b>
(3) Safety and Health at Work .....	418.1	428.6	436.3	<b>453.1</b>
(4) Employees' Rights and Benefits .....	306.0	330.1	332.8	<b>352.1</b>
	1,641.3	1,912.4	1,780.0 (–6.9%)	<b>1,918.0</b> <b>(+7.8%)</b>
				<b>(or +0.3% on 2014–15 Original)</b>

#### Analysis of Financial and Staffing Provision

##### Programme (1)

Provision for 2015–16 is \$8.5 million (5.7%) higher than the revised estimate for 2014–15. This is mainly due to increased operating expenses, an increase of three posts, filling of vacancies and salary increments for staff.

##### Programme (2)

Provision for 2015–16 is \$93.4 million (10.8%) higher than the revised estimate for 2014–15. This is mainly due to increased expenditure on employment programmes, increased non-recurrent cash flow requirement for meeting the expenditure of the WITS Scheme, an increase of 52 posts, filling of vacancies and salary increments for staff.

##### Programme (3)

Provision for 2015–16 is \$16.8 million (3.9%) higher than the revised estimate for 2014–15. This is mainly due to increased operating expenses, an increase of nine posts, filling of vacancies and salary increments for staff.

##### Programme (4)

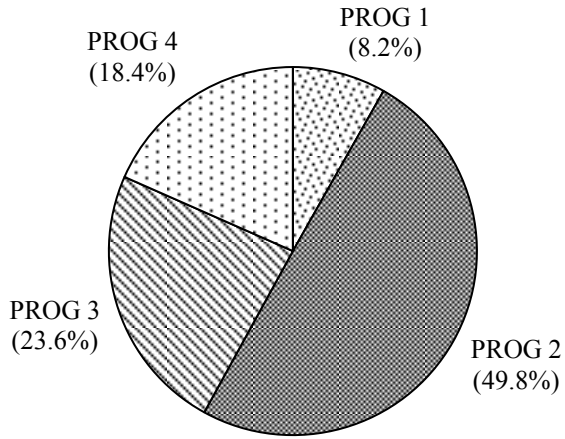
Provision for 2015–16 is \$19.3 million (5.8%) higher than the revised estimate for 2014–15. This is mainly due to increased operating expenses, an increase of 11 posts, filling of vacancies and salary increments for staff.



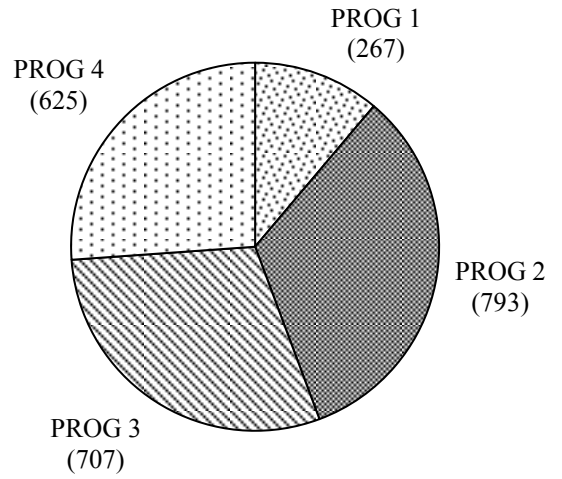
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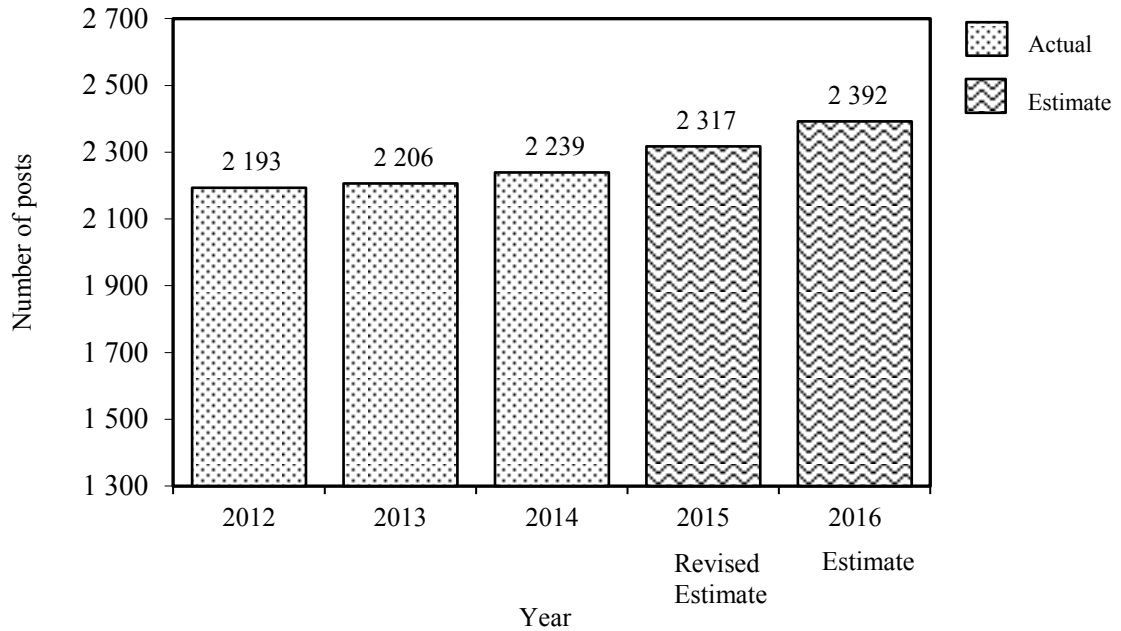
*Allocation of provision  
to programmes  
(2015-16)*



*Staff by programme  
(as at 31 March 2016)*



*Changes in the size of the establishment  
(as at 31 March)*



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Sub-head (Code)	Actual expenditure 2013-14	Approved estimate 2014-15	Revised estimate 2014-15	<b>Estimate 2015-16</b>	
	\$'000	\$'000	\$'000	<b>\$'000</b>	
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	1,263,556	1,498,078	1,370,615	<b>1,495,679</b>
280	Contribution to the Occupational Safety and Health Council.....	6,069	6,476	6,492	<b>6,947</b>
295	Contribution to the Occupational Deafness Compensation Board .....	2,124	2,266	2,272	<b>2,431</b>
	Total, Recurrent.....	<u>1,271,749</u>	<u>1,506,820</u>	<u>1,379,379</u>	<b><u>1,505,057</u></b>
Non-Recurrent					
700	General non-recurrent .....	369,537	405,592	400,592	<b>412,900</b>
	Total, Non-Recurrent.....	<u>369,537</u>	<u>405,592</u>	<u>400,592</u>	<b><u>412,900</u></b>
	Total, Operating Account .....	<u>1,641,286</u>	<u>1,912,412</u>	<u>1,779,971</u>	<b><u>1,917,957</u></b>
	Total Expenditure .....	<u><u>1,641,286</u></u>	<u><u>1,912,412</u></u>	<u><u>1,779,971</u></u>	<b><u><u>1,917,957</u></u></b>

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### Details of Expenditure by Subhead

The estimate of the amount required in 2015–16 for the salaries and expenses of the Labour Department is \$1,917,957,000. This represents an increase of \$137,986,000 over the revised estimate for 2014–15 and of \$276,671,000 over the actual expenditure in 2013–14.

#### *Operating Account*

#### Recurrent

2 Provision of \$1,495,679,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Labour Department. The increase of \$125,064,000 (9.1%) over the revised estimate for 2014–15 is mainly due to the requirement for enhancing employment support services.

3 The establishment as at 31 March 2015 will be 2 316 permanent posts and one supernumerary post. It is expected that there will be an increase of 75 posts in 2015–16. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2015–16, but the notional annual mid-point salary value of all such posts must not exceed \$1,071,374,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

	2013–14 (Actual) (\$'000)	2014–15 (Original) (\$'000)	2014–15 (Revised) (\$'000)	<b>2015–16 (Estimate) (\$'000)</b>
Personal Emoluments				
- Salaries.....	971,072	1,055,639	1,042,428	<b>1,115,694</b>
- Allowances.....	12,222	12,987	11,454	<b>14,315</b>
- Job-related allowances.....	—	3	3	<b>3</b>
Personnel Related Expenses				
- Mandatory Provident Fund contribution.....	3,491	4,312	3,184	<b>4,501</b>
- Civil Service Provident Fund contribution.....	18,373	25,164	26,266	<b>32,090</b>
Departmental Expenses				
- General departmental expenses .....	218,925	376,253	260,769	<b>302,655</b>
Other Charges				
- Campaigns, exhibitions and publicity.....	39,473	23,720	26,511	<b>26,421</b>
	1,263,556	1,498,078	1,370,615	<b>1,495,679</b>

5 Provision of \$6,947,000 under *Subhead 280 Contribution to the Occupational Safety and Health Council* is to meet the annual contribution to the Occupational Safety and Health Council (OSHC). The amount of contribution is currently based on a proportion of the amount of levy received by the OSHC, with the proportion equivalent to the ratio of the size of the civil service to the working population in Hong Kong.

6 Provision of \$2,431,000 under *Subhead 295 Contribution to the Occupational Deafness Compensation Board* is to meet the annual contribution to the Occupational Deafness Compensation Board under a similar arrangement as for the OSHC.

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### Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2014	Revised estimated expenditure for 2014–15	Balance
			\$'000	\$'000	\$'000	\$'000
<b><i>Operating Account</i></b>						
700		<i>General non-recurrent</i>				
841		Work Incentive Transport Subsidy Scheme.....	4,805,000	680,714	395,472	3,728,814
863		Enhanced and integrated employment programmes .....	398,600	196,795	1,000	200,805
874		Special Employment Project for Vulnerable Youths .....	33,000	20,189	4,000	8,811
		Total .....	<u>5,236,600</u>	<u>897,698</u>	<u>400,472</u>	<u>3,938,430</u>